

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIO ALONZO-RODRIGUEZ,

Defendant.

8:11CR187

ORDER

Defendant Mario Alonzo-Rodriguez (Alonzo-Rodriguez) appeared before the court on January 13, 2014, on a Petition for Offender Under Supervision (Petition) (Filing No. 34). Alonzo-Rodriguez was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Laura Garcia-Hein, a certified interpreter in the Spanish language, served as the interpreter by remote telephone hook-up. Through his counsel, Alonzo-Rodriguez waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Alonzo-Rodriguez should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Alonzo-Rodriguez declined to present any evidence on the issue of detention or request a detention hearing. Since it is Alonzo-Rodriguez's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Alonzo-Rodriguez has failed to carry his burden and Alonzo-Rodriguez should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on February 20, 2014.** Defendant must be present in person.

2 Defendant Alonzo-Rodriguez is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of January, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge